

## PRESIDENT'S FINAL REPORT

To maintain a strong legal profession and to look after the interests of the profession it is important that the Law Society not merely react to issues but be in a position to raise issues which affect the public's and the profession's interest in a constructive manner and that the Law Society develop and suggest possible solutions to problems facing the community and the profession.

### Strategic Plan

Consistent with the above the Council of the Law Society commenced 1999 by holding a strategic planning meeting at which a Mission Statement and Strategic Plan were developed. In addition an appropriate committee system has been established.

The Mission Statement and Strategic Plan cover the following key areas:

- facilitating and improving the delivery of fair, economic and efficient legal services;
- enhancing access to justice, improving the law and maintaining individual rights;
- being accountable for and maintaining the highest standards of professional conduct;
- representing and promoting the Northern Territory legal profession and the legal services it provides to the community.

### Fair, Economic And Efficient Legal Services

In order to facilitate the delivery of fair, economic and efficient legal services the Council of the Law Society through the Legal Structure Committee has continued to evaluate and make recommendations and submissions to government in relation to the implementation of national competition policy.

In June a Seminar was held in Darwin on the National Legal Services Market. A further seminar was held in Alice Springs in July. Following the Seminar submissions were made to Government on the Travelling Practising Certificate and National Model Conduct Rules. It is hoped the legislative amendments necessary to implement the Travelling Practising Certificate Regime will be introduced in the November 1999 sittings of Parliament.

The Legal Structure Committee hopes to formulate its final draft recommendations in relation to deregulation of the ways in which lawyers are entitled to organise and

structure their practises; multi disciplinary practises; limitation of liability; reservation of legal work and amendment to Part X Legal Practitioners Act (costs for commercial practitioners) by the end of September.

The Society's is in favour of deregulation and believes that practitioners must be given the opportunity to structure their businesses in the most cost effective manner they consider appropriate for their particular situation. Any regulatory regime should be directed towards the individual lawyer who would continue to be bound by ethical obligations and professional responsibility.

The underlying philosophy of such an approach is to remove existing restraints on the capacity of the legal profession to compete with other service providers while continuing to place paramourcy on the maintaining of lawyers ethical obligations and professional responsibilities. Such an approach should benefit both the public and the profession.

### Enhancing Access To Justice

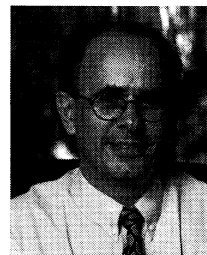
The Access to Justice Committee is close to finalising a report on ways of enhancing the efficiency of the litigation process in the Supreme Court. It is the view of the Committee that basic to the reduction of delay is:

- a commitment by the Courts to move matters along and a willingness on their part to apply pressure to achieve this. Judicial Management is a key factor;
- a reciprocal assumption of responsibility by the profession to ensure litigation matters are efficiently and diligently handled by each practitioner.

The report follows earlier submissions which the Law Society made to the Chief Justice about the proposed amendments to Order 48.

In conjunction with making suggestions about Court practise and procedure the Legal Structure Committee Report will include recommendations about CLEs to assist practitioners in the efficient handling of litigation and sanctions to be imposed if either parties or practitioners fail to handle litigation diligently and efficiently.

The Legal Structure Committee is also in the process of drafting a pamphlet about the ways of minimising delay, time limits and the obligations of practitioners to



*Immediate Past President,  
Steve Southwood.*

efficiently deal with litigation. The pamphlet is to be made available to the public.

### Improving Law And Maintaining Individual Rights

The Law Society commenced the year by making detailed submissions to government about Sentencing Amendment Bill (No 3) 1998. The submissions saw the end of the Bill.

The Law Society endorsed and sent to the Attorney-General written submissions on Mandatory Sentencing which were prepared by Elizabeth Morris in liaison with Richard Coates and consultation with the Law Society. Meetings were also held with the Attorney-General in relation to ways of reforming mandatory sentencing on the basis that it would be further reviewed and ultimately abolished.

Regrettably, the submissions of the Law Society in relation to mandatory sentencing were not accepted by the Government and as a result an extensive media campaign opposing mandatory sentencing was engaged in by the Law Society. The campaign highlighted the ridiculously high cost to the community of mandatory sentencing (both social and economic).

The Law Society has also supported calls for a proper interpreter service for Aboriginal people.

Consideration now needs to be given to National Uniform Sentencing Legislation.

### Being Accountable For And Maintaining The Highest Standards Of Professional Conduct

The Law Society has conducted an extensive CLE program.

Alan Lindsay and Maria Ceresa have also worked extremely hard in relation to expediting the processing of complaints. Duncan McConnel has also provided a detailed report in relation to the disciplinary provisions of the Legal Practitioners Act.

A complaints handling manual should now be drafted along with recommendations to government about necessary amendments

*Continued over*

to the disciplinary provision of the Legal Practitioners Act.

### **Representing And Promoting The Northern Territory Legal Profession And The Legal Services It Provides To The Community**

Communications within the profession have been improved by the enhancing and upgrading of *Balance*. The good work of all contributors is greatly appreciated. In particular, the Columns written by Justice Mildren on Legal History, Justice Riley on Advocacy and Jon Tippett on behalf of the Criminal Lawyers have been read with much interest by all.

The Secretariat has provided administrative and media liaison assistance to the NT Criminal Lawyers Association, NT Legal Aid and NT Women Lawyers Association. The Executive Officer has provided extensive media liaison and support to the Criminal Lawyers Conference in Bali and raised the profile of the call for an interpreter service for Aboriginal people in the Northern Territory.

Successful Law Week Luncheons were held both in Darwin and Alice Springs. Chief Judge Worthington of the South Australian District Court gave one of the best speeches heard at Law Week.

A successful Annual Dinner was held at the Carlton Hotel.

Communications with Government have improved with the Attorney General agreeing to attend Law Society functions and make himself available to discuss important legal matters. Margaret Lyons, the then Chief Executive Officer of the Attorney-General's Department, has also been agreeable to meeting monthly with the President to discuss ongoing issues.

Communications with the Courts have continued to be extremely good with the Chief Justice meeting monthly with the President, Justice Riley agreeing to be an observer on the Access to Justice Committee and Mr Hugh Bradley CSM readily making himself available to discuss issues of concern in the Local Court and Court of Summary Jurisdiction.

Better public relations have been developed by the Executive Officer revitalising the Law Society's membership of the NT Business Council and the Executive Officer organising practitioners to participate regularly in the media either on radio panels or in the press;

The profession has been well promoted as the result of improved relations with the media and the specific coverage of a variety of matters, including the Bali conference and the issues arising from the conference such as a national drug policy (national coverage); the Chief Justice's comments and paper on the independence of the judiciary (national coverage) and access to justice (local radio talks by Alan Lindsay on this important topic).

The law society has also promoted local issues such as mandatory sentencing with the assistance of the Law Council of Australia. We have also been assisted by members of the law council and interstate law societies and bar associations in developing a position in relation to the national legal services market.

### **Commercial Lawyers**

The law society has formed the commercial law committee comprised of commercial lawyers from Darwin, Alice Springs, from large firms, medium firms and sole practitioners. The commercial law committee has undertaken a review and comment on certain legislation affecting commercial lawyers, has reviewed and considered from a commercial lawyers perspective the potential changes to the structure of the legal services market and has published a monthly column in *Balance*. The commercial lawyers committee is to be continued as an important part of ensuring that the law society is reflective of not just litigation but also commercial practice.

### **Insurance**

The law society has again, with the assistance of its brokers, Sedgwicks, and, following extensive negotiation, succeeded in obtaining extremely competitive insurance premiums and will again be running risk management seminars.

### **Law Society Constitution**

Amendments to the Constitution have been recommended by Donna Dreier and Merran Short and all necessary amendments have been drafted by Peer Schroter. The amendments are designed to make the objects of the Constitution consistent with the Mission Statement and generally update and modernise the Constitution.

### **The Future**

As to the future I think the following matters are important:

- For the image of the profession to continue to improve each member of the Law Society has to get into the community and should stand up and be counted when fundamental issues are being debated.

- The profession in the NT is an extremely young profession. It is, therefore, important that the older and more experienced practitioners assist the less experienced practitioners wherever possible, not only with the practice of the law but in developing a professional and collegiate ethic. To properly practise the law and to have an appreciation for the rule of law and legal institutions all lawyers need to have a commitment to professionalism. It should never be forgotten that more decisions concerning human conduct and citizens relations with the law are made in solicitors offices than in all the Courts in the Territory. The law for most people is not the law in books or the law in Courts, it is the law stated to them by their solicitor.

- Given the work pressures and lack of time we all face it is important that the Secretariat be supported and allowed to develop.

- Legal Education is likely to develop as a major issue. It is most important that NTU is encouraged to maintain appropriate entrance standards, high degree standards and appropriate degree structure and course content. If we are not persistent in this regard I fear the Law Degree at NTU will ultimately be considerably devalued. It will also be necessary to monitor the National development of Practise Management Courses. It may be that ultimately standards of entry into the profession will need to be more closely regulated.

- It is only by maintaining proper professional qualifications and standards that the legal profession will be able to maintain its edge in a deregulated market.

### **Achievement**

The Law Society has achieved a great deal within the last 12 months and the Council of the Law Society has shown considerable leadership. I am confident the next Council will do the same.

### **Thanks**

It has been a privilege working with the past Council and I thank them and the Secretariat for their hard and dedicated work.

